IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

FIRST APPEAL NO. 602 OF 1991
WITH
FIRST APPEAL NO. 50 OF 1992

State of Maharashtra ... Appellant

Vs.

Prabhakar Bhagwan Patil & ors. ... Respondents

Mr. K.K. Tated, A.G.P. for State.

Mr. N.V. Walawalkar for Respondent Nos. 1, 3, 4 and 5.

CORAM : F.I. REBELLO & ANOOP V. MOHTA,JJ.
DATED : AUGUST 30, 2004
P.C. :

1. The land is situated in Village Navade. Both the appeals are being disposed of by this common order. Notification under Section 4 was published on 3.2.1970. The award in respect of the suit premises was made on 22.6.1986. The possession of the land was taken on 18.9.1986. The acquired land is situated within 500 mtrs. from the Poona Bombay Highway.

2. Considering the judgement passed in First Appeal No. 757 of 2003 with Civil Application No. 514 of 2003 and First Appeal No. 1782/02 along

with Civil Application No. 1078 of 2004, the market value of the land is fixed at Rs.25/- per sq. mtr. Consequently they are entitled to all consequential benefits.

3. Considering that the award under Section 11 was made after 28.4.1982, the claimant will be entitled to compensation Under Section 23(1A) of the Act.

4. In the light of the above, the following order :

. First appeal No. 602 of 1999 dismissed.

. First Appeal No. 50 of 1992 allowed in terms aforestated.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)